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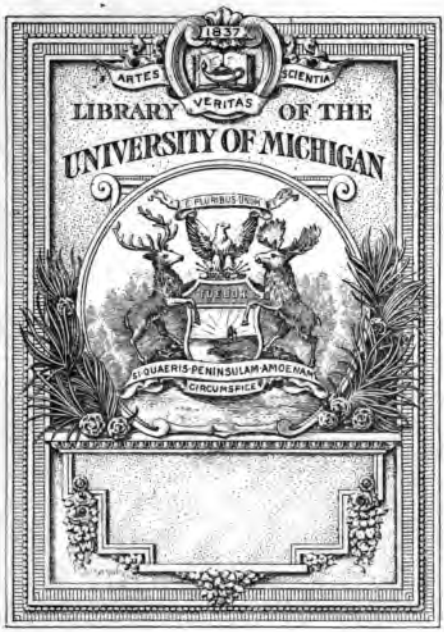
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SECRETARY OF WAR
FIRST CIVIL GOVERNOR OF THE PHILIPPINE ISLANDS

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CONTENTS

PAGE

I. THE DUTIES OF CITIZENSHIP VIEWED FROM THE STANDPOINT OF A RECENT GRADUATE OF A UNIVERSITY 3

II. THE DUTIES OF CITIZENSHIP VIEWED FROM THE STANDPOINT OF A JUDGE ON THE BENCH 35

III. THE DUTIES OF CITIZENSHIP VIEWED FROM THE STANDPOINT OF COLONIAL ADMINISTRATION 61

IV. THE DUTIES OF CITIZENSHIP VIEWED FROM THE STANDPOINT OF THE NATIONAL EXECUTIVE 90

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FOUR ASPECTS OF CIVIC DUTY

I

THE DUTIES OF CITIZENSHIP VIEWED FROM THE STANDPOINT OF A RECENT GRADUATE OF A UNIVERSITY

Mr. President, and Gentlemen of Yale:

My occupations within the last month have been so numerous, various, and absorbing that it has been very difficult for me to give thought and proper time of preparation for the series of lectures which, more than a year ago, I was invited to deliver on the Dodge foundation by your alluring secretary—Mr. Stokes. Knowing as I did that it was foolish for me to accept Mr. Stokes's invitation, and knowing that whenever the time came for me to perform my promise it would certainly be the most inconvenient time in the year, I nevertheless yielded weakly, and agreed to come and say something about the duties of citizenship. Of course I could not anticipate that an earthquake would throw additional responsibilities on the

War Department; but previous experiences ought to have taught me that something would happen to make it altogether inconvenient and almost impossible for me to comply with a promise so easily given but with such difficulty performed. Still, here I am, and if what I have to say to you proves to be trite or for other reasons lacking in interest, I hope you will bear with me and attribute it to the lack of preparation. I have worried over these lectures a good deal, and have cast about to know what plan for the development of the subject I could properly pursue which might be of assistance to the young men who are about to enter upon what I hope will be useful lives in doing what they ought to do to make this country better and to vindicate its form of government and its capacity for progress and development toward higher civilization. I met President Hadley in St. Louis, and he suggested that I look at the subject from the four standpoints from which, in my personal experience, I have had to look at public matters. He thought that this would give me the advantage of testifying as a witness qualified by opportunities for observation, whether the opportunities were improved or not. Acquies-

cing, as I always do, in the wisdom of his suggestions, I have therefore taken for the four lectures which I am to deliver the following subjects:

I. The duties of citizenship viewed from the standpoint of a recent graduate of a university.

II. The duties of citizenship viewed from the standpoint of a judge on the bench.

III. The duties of citizenship viewed from the standpoint of colonial administration.

IV. The duties of citizenship viewed from the standpoint of the national executive.

In taking up the first of these heads for discussion I hope I may be pardoned for calling attention to a fact that has not escaped general observation, that there are few conditions of mind more exalted, more comforting, more complacent, than that of the members of the Senior class of a great university like this. The struggle upward from the humility of Freshman year, through the irresponsibility and audacity of Sophomore year, the budding sense of superiority of Junior year, to the beatific appreciation of his own importance in supporting the dignity of the university that every Senior has, are well-known phases in college life. The step downward that has to be taken

from the altitude of Senior year to the sense of insignificance that comes quickly to the ordinary graduate in the year succeeding his college life, adds much to his usefulness as a member of the community which he is about to enter. It restores his sense of proportion as to the position that he fills in society, which, in the epitome of life that a four years' course at a university is, had somewhat distorted his views of the extent of the demand which there would be for his presence and services in the community at large.

Of course this humbling change from the estimate of the college world to the estimate of the world at large has a greater effect upon the men who, when they leave college, are thrown upon their own resources and are obliged to earn their own living, than upon those who have money enough and are not dependent upon the assistance of others, or upon the recognition of their ability by employers, by congregations, by clients, or by patients. This is one of the great disadvantages of being born wealthy. The truth is, the wealthy young man, in winning his way to a useful place in the community, has to struggle much more and has to exhibit a moral courage much greater than

that of the poor man, if he would make a real success in life and justify his existence as a citizen. The young man most to be congratulated is he who has been given an education as thorough and as useful as he himself wishes to make it, and then under the spur of necessity enters upon a life of work without the temptation to lack of effort and idleness, or to dilettanteism, or to pure pleasure, which a competence always creates. The great accumulations of wealth that we have witnessed during the present generation are, of course, of much benefit to the community in the promotion of art, of music, of charity, and of great educational institutions, as well as in the good they do in the prosecution of industry, the cheapening of the cost of production, and the carrying on of the great enterprises that are needed to make real material and intellectual progress; but, in my judgment, in no one respect can wealth be made more useful from now on than in the support of young men who are willing to devote their attention to politics and public matters, to assume official responsibilities, to follow and preserve the public weal, and by reason of their independence of salaries or office to ex-

ercise the beneficent influence of disinterested patriotism and attention to public affairs. There is such a class in England, which has done wonders for their politics and the high tone of their public men. When it comes to be understood in this country, and impressed on the persons to whom it applies, that the man who is wealthy enough to relieve him from any anxiety about supporting his family owes it to society to devote his attention to public affairs, and that one who does not do so is violating his duty, a great step will have been taken in elevating our politics. I think this influence has already shown itself in many directions; but with the increased wealth of this generation the influence of this class ought to become greater and greater. Of course I would not eliminate from our community what I shall hereafter refer to at considerable length, to wit: the motive for gain and accumulation of money, which is the main-spring of nearly all the material improvement which has been so marked in this country; but in such a hoped-for change of motive among the wealthy young men as I have described we are not likely so to reduce the motive for accumulation in the community at large as

to affect injuriously our financial and material progress.

So much for the wealthy young man. The poor young man has to earn his own living, but his attention to politics is likely to be much greater in the early years of his business or professional life, when he has only one to support, than when he takes unto himself a wife, and brings into the world a family which gradually absorbs all his energy and takes all his time in earning money enough to provide for its wants. There is a period of ten or fifteen years during which all college graduates, poor as well as rich, have time enough and energy enough and ought to have interest enough to attempt to make the politics of the neighborhood in which they live better; and it is to this period and its obligations that I wish particularly to direct my remarks this evening.

The training in political economy and sociology, and other scientific studies likely to affect one's political views which are pursued in a university curriculum, tends to certainty and severity of view with respect to the issues of the day. As parties and public men fail to square with the

views thus formed, there develops in the mind of the young graduate a spirit of criticism and impatience that the Government is so stupidly run, and with so little understanding of the fundamental rules upon which all public affairs ought to be conducted. While I was in college it happened that my father was in the national administration, and I can remember with distinctness my dissatisfaction with his views of public affairs and my impatience that he did not seem to value as fully as I thought he ought the importance of pursuing the up-to-date principles that should govern the policy to be pursued by public men. Now, the step down from Senior year to a struggle for a living, which I have already referred to, has a healthy tendency in moderating this certainty and severity of view formed in the lecture-room and in the abstract study of political science. In such view the graduate is apt to ignore the obstruction by reason of friction in the operation of natural laws. He is apt to ignore, as a negligible quantity, the necessary effect upon the political policies of the existence of popular prejudices and popular emotions. He is apt to treat man as a peculiarly

intelligent animal, buying exactly where he can buy cheapest, and selling exactly where he can sell at the highest price; patronizing classes and nations without respect to personal feelings toward them, and moved by purely business considerations, and those which ought to influence him if he properly considers his welfare. Now, I do not mean to say that the professor who instructs, and who is a man of the world, does not know the lights and shadows that should be put into the picture of actual and real political and economic conditions, so as to modify the rigidity of the lines laid down by the strict and theoretical rules which he teaches; but the students ordinarily are much better able to master the main principles than their complicated variation and modification, due to intervening causes. Those they must learn by actual experience. The tendency in my own case, and I think in that of most graduates of my time, was toward the *laissez faire* doctrine that the least interference by legislation with the operation of natural laws was, in the end, the best for the public; that the only proper object of legislation was to free the pathway of commerce and opportunity from

the effect of everything but competition and enlightened selfishness; and that that being done, the Government had discharged all of its proper functions. When I graduated we looked upon the Post-office Department of the Government with great suspicion. We felt that it was a departure from proper principles, and that it seemed to offer a pernicious example and suggestion of the extension of governmental interference and initiative into fields which ought to be covered altogether by private enterprise. I do not know what may be taught in this respect now, and I am bound to say that I think these principles, which I may seem to have spoken of in a light way, are still orthodox and still sound, if only the application of them is not carried to such an extreme as really to interfere with the public welfare. Experience will show that there are fields of business action which the Government can better cover than private enterprise; and there are also fields over which, because of probability of abuse by private enterprise, the Government should assume control, not by way of initiation and administration but by way of effective regulation. This topic, however, involves too many

considerations to justify its discussion further tonight.

On the other hand, there are, in addition to those of the *laissez faire* school, a few graduates of universities whose substratum of common sense and whose sense of proportion, with reference to things as they are, are so lacking, and whose poetic and emotional temperament is so overwrought, that they are led to contemplate only the injustice and the abuses that occur under the existing social order, and fail utterly to note the tremendous advance, the immense progress which has been made under the present guaranties of life, liberty, and property; who yearn for an entirely different system and radical change, in which men are to be governed solely by love and not by any motive of gain. In their eyes selfishness can never be enlightened, and they finally acquire a state of mind so morbid that the only happiness they have is the contemplation of human misery as an argument for the immediate abandonment of the principles lying at the basis of modern society. When such theories proceed from men who have really suffered, men to whom equality of opportunity seems to have been denied, men

who live under a weight of misfortune and poverty and disease and the other ills that flesh is heir to, there ought to be much sympathy with their feeling. It is entirely natural that they should be lacking in the sense of proportion which a man not so oppressed may have in respect to the advantages of our present social and economic system. But when one encounters a graduate of a university, of means and opportunity for public usefulness, who allows his emotional side to overcome his judgment so that he develops into a parlor socialist, without really understanding anything about the real springs of material and intellectual progress in this world, then we have a result with which it is difficult to be patient. I think this class is, for the time, on the increase, but I am glad to think that among educated men the class is only that of faddists and will fade away as the Millerites did. The spectacle of men who enjoy all the luxuries of life, with trained servants and costly establishments of all kinds, declaiming against the social order and the injustice done to the poor and suffering in the community, is not one to attract the sympathy of sensible men. The truth is that an argument

in favor of a first cause, or a divine plan of the universe, finds no better or stronger illustration than in the progress of the world under the impulse of men toward personal freedom and the right of property. The right of property has played quite as important a part in the development of the human race as the right of personal liberty. Indeed, the two rights are so associated in the struggle which man has had to make in taking himself out of the category of the lower animals and lifting himself to his present material and spiritual elevation that it is hard to separate them in a historical discussion. After man became his own master, the next step in his progress was the conception and establishment of the right of private property. When he began to live in a social state with his fellows, he recognized, dimly at first, but subsequently with greater clearness, that the laborer should have and enjoy that which his labor produced. As his industry and self-restraint grew, he made by his labor not only enough for his immediate necessities, but also a surplus which he was able to save for use in aid of future labor. By use of this surplus, the amount which each man's labor would produce

was thereafter increased. As the advantage of the principle that the laborer should enjoy his own product came to be recognized, so it came to be at a later time equally well recognized that he whose savings from his own labor increased the product of another's labor was entitled to enjoy and share in the joint result; and the adjustment of their respective shares was the first settlement of the ever-recurring controversy between labor and capital. What one had the full right to enjoy he had the right to give to another to enjoy; and so it happened that when a man was about to die he assumed, and was accorded, the privilege of giving to those whom he wished to enjoy it that which was his. As the natural parental instinct dictated provision for those whom he had brought into the world, it first became custom and then law that if he made no express disposition of that which he had the right to enjoy, it should become the property of those for whose existence he was responsible. In this way the capital saved in one generation was received by succeeding generations, and its accumulation for producing purposes was made much more probable. The certainty that a man could

enjoy as his own that which he produced or saved, and that it could be enjoyed after his death by those to whom he was bound by ties of natural affection, furnished the strongest motive for industry beyond what was merely adequate to obtain the bare necessities of life, and was the chief inducement to economy and self-control. The institution of private property with all its incidents is what has led to the accumulation of capital in the world. Capital represents and measures the difference between the present condition of society and that which prevailed when men lived by what their hands would produce without implements or other means of increasing the result of their labor; that is, between the utter barbarism of prehistoric ages and modern civilization. Without it the whole world would still be groping in the darkness of the tribe or commune stage of civilization, with alternating periods of starvation and plenty, and no happiness but that of gorging unrestrained appetite. Capital increased the amount of production. The cheaper the cost of production, the less each one had to work to earn the absolute necessities of life, and the more time he had to earn its com-

forts. As the material comforts increased, the more possible became happiness, and the greater the opportunity for the cultivation of the higher instincts of the human mind and soul. This material progress in the human race, covering cycles of time in the slow process of evolving as an essential principle in the development of the race the right of private property, was attended by violence and fraud and cruelty and oppression; but in the end it had a profound educational effect upon the human race and established in the human heart and soul the virtues that have made man the superior being that he is. The struggle implanted in the human breast the virtue of providence, the restraint of the appetite of the present, in order that there may be left that with which the future can be enjoyed; the lesson that the pains and thoroughness with which a work is done increase the product and enlarge the source of future supply; and finally, the recognition of the fact that the only peaceable way by which a man can really enjoy the fruits of his own labor is to recognize this as a right of every other man. This struggle thus gave us the virtues of providence, of industry, and of honesty,

and with these basic elements of character all the other traits and virtues that we admire in man have been developed. Of course, I would not ignore or minimize the influence of religion on the development and uplifting of human character; but the industrial virtues I have described, when instilled by hard experience, certainly offer a greater opportunity for the effective working of religious influences. The whole human race has had to fight its way upward to modern civilization and its beneficent incidents by a struggle so arduous and so long continued that we can no more appreciate it than we can realize the time taken to create the geological formations. This operation of the natural laws, leading to the wonderful development of modern society out of the prehistoric man, we are told that man must change by law; that we must abolish the right of property and the motive for gain, divide up the wealth, and distribute it according to the sense of justice of the socialist committees of organization and control.

While we may find a few shining examples of such dreamers and impracticable and morbid thinkers among the graduates of universities of

this country, we may be confident that substantially all the sane graduates of our universities will set their faces like flint against the spirit of any such foolish doctrine; and that they will find their chief reasons for discrediting the premises and the conclusions advanced in favor of socialism in the wholesome principles of political economy and sociology which they have imbibed at the most formative period of their lives and characters in the lecture and recitation rooms of their *alma mater*.

But now, assuming the political and economic sanity of the recent college graduate—not, I think, a violent assumption—what should be expected of him politically? Well, in the first place he ought to learn where the polling-place is in his ward and precinct where he can cast a ballot. I think it might be rather humiliating to some graduates of several years' standing if a close examination were made into their knowledge of this simple fact; and if the investigation were to proceed farther, to find out where the primaries and the preliminary political meetings for organization are held, the amount of ignorance in respect to these details on their part would be still more

embarrassing. Perhaps, however, before they go either to the polls or to the primaries they ought to select a party. I know there is a disposition on the part of the free-born American graduate from an institution of learning, full of admiration for independence of thought and a desire to maintain his independence of action, to hold himself aloof from party regularity and vote for the best men if he can find them, and thus teach the party organization that it must beware of the influence of the independent voter. I think this tendency on the part of the recent college graduate is much modified as he acquires experience and a knowledge of conditions. Whether he will become a Republican or a Democrat or a Mugwump will depend on many circumstances. He may yield to the natural tendency to inherit his politics, and so become a Democrat or a Republican because his father was. He may find that his views upon the main issue between the parties at the particular time when he comes first to exercise his franchise and discharge his electoral duty are such that on principle he selects one of the parties and thereafter identifies himself with it. He may find that his pecuniary interests

are affected by the success or defeat of a particular party, and select the one or the other in accordance with those interests. Whatever turns him in the direction of one party or the other, he will after a while learn that there is much to be said in favor of party regularity if that be not carried to an extreme. The modern government of a people of 80,000,000, reaching from the Atlantic to the Pacific and from Canada to Mexico, is very complicated. It has long been a principle, enunciated, but "honored more in the breach than in the observance," that the less government has to do, the less government there is, the better for the people; but in recent years there have been so many functions which it is impossible for private business to maintain and undertake that even the most orthodox of the *laissez-faire* school must admit that the legitimate functions of the modern government constitute it a very complex machine. The difficulties of its management are greatly increased if, instead of leaving the control to one man, as in Russia, or to a small group of men, as in the ancient aristocracy, we commit its control to all males over the age of twenty-one, and call it a popular government. The

real advantage of a popular government, in securing the greatest good to the greatest number, is that experience has shown that individuals and classes of men of reasonable intelligence are better able to look after their own interests or those of their class, and secure equality of opportunity and equal protection for themselves or persons similarly situated, if they are given a voice in the government, than if this duty is left to some one else, however altruistic. How is it possible so to reduce the varying wishes and views of the entire population of 80,000,000 people, or 14,000,000 adult males, to one resultant executive force, which shall carry on this complex machine of government effectively, as it should be carried on in the public interest and for the public weal? The problem has been solved in the growth and the establishment of popular government by the institution of parties among the people. A useful party cannot be formed unless those who are members of it, with a sense of responsibility for the successful and unobstructed continuance of the administration by that party, yield their views on the less important and less essential principles, and unite with respect to the main policies for which the party is to

become responsible. The resultant solidarity of opinion is necessary to secure unity of action. The sense of responsibility for the successful operation of the Government must furnish a power of cohesion which shall prevent the breaking off from the party of a sufficient number of its members to make its arm nerveless and to take away from it its power of initiative and action. That party is the more efficient party, therefore, in which the members are more nearly united on the great principles of governmental policy. I do not for a moment intend to depreciate the good effect of having in the community persons not affiliated with parties, whose unbiased judgment will lead them to vote sometimes for one party and sometimes for another; for it may well be that the power of cohesion in a party, growing out of its traditions or the desire for office or some other motive not the highest, shall lead it into apparent unanimity upon a course detrimental to the Government and from which nothing can save the Government but the withdrawal of support by the independent voter. Be this as it may, and however useful the independent voter may be, the existence of parties,

their maintenance, and their discipline are essential to the carrying on of any popular government. The difficulty with the politics of France has frequently been the inability of the leaders to form parties large enough to maintain a government. There are too many small groups, and the administration is thus likely continually to change.

It is difficult to classify parties in this country as conservative and radical, because the facts do not always justify such a classification; but generally it will be found that the more efficient party in administration is the more progressive and more affirmative—more radical, therefore, in its policies. The opposing party is usually negative, declining to initiate new reforms, looking back to a probably non-existent condition of simplicity and purity and honesty in public affairs, and offering in effect, when successful, a conservative and do-nothing administration. Now, young men will select their parties, other things being equal, according to the natural tendencies of their minds. Some men are in favor of progress, affirmative action, and radical reforms—a change of the existing arrangements for something better. Other men naturally prefer the ills we have than to

fly to those we know not of, and with their conservative tendencies they will find a home in the more conservative party. The independent, refusing to subordinate himself to the views of either party, first votes for one ticket and then for another, and thus seems to exercise a more decisive influence than the regular members of either party. Indeed, it is true that as a mass the independent voters are generally of great importance and influence for the betterment of political and governmental conditions. As individuals, in the exercise of individual influence and to accomplish useful purposes, they do not play so important a part. If a man goes into public life and wishes to secure an influence for good, he may properly be chary of breaking his political ties with the party of his affiliation, because the only real opportunity, the only real avenue that he can follow to accomplish permanently useful results is by influencing the course and policy of his party. As this is a party government, and as measures are controlled by party decisions, the real progress must be made along party lines; and if a man separates from his party he loses altogether any influence he may exert in determining those

policies. I do not at all advocate that a man should adhere to party against high principle and conviction, but this life is all a series of compromises by which little by little, and step by step, progress toward better things is made. All the good in the world cannot be attained at one breath. We must achieve what we can at the time we can, and must let other aims and objects of the highest good abide a different opportunity for their attainment. While, therefore, we may not agree with all the principles adopted into legislation or into executive policy by a party with which we are affiliated, we should ordinarily not destroy our usefulness and power for good in influencing the party in the right direction, by withdrawing from it on issues not the most important, if, on the whole, we believe that more good can come from its success than from that of its opponent.

Having selected his party and found his polling-place and the place for the meeting of the primaries, and having ascertained who are the men in the precinct and the ward who exercise influence over the people, the graduate of a university who takes life as seriously as he should, who appreciates his responsibility as a citizen, will

spend as much time as he can in learning the local situation; in becoming acquainted with the precinct and ward leaders, in consulting them as far as he can, in making himself acquainted not only with the well-to-do and well-educated persons in his precinct and ward, but also with the laborers, the artisans, the store-keepers, the saloon-keepers, in order that he may understand what are the controlling influences in the primaries and elections of that precinct and ward. This will bring him, doubtless, into contact with some people whom he would not wish to have as permanent associates and companions. It is not generally elevating to associate with saloon-keepers, and yet there is a word to be said upon this subject and with respect to them. There are among them honest, hard-working men, rising early in the morning and staying up late; in the great cities they are the proprietors of the social clubs of the neighborhood for the poor people, and naturally they exercise a very considerable influence in the discussion of public matters that go on among the wage-earners and persons of small means. The college graduate is not made of sugar, and he ought to be sufficiently strong to resist any evil

influence which might some time arise from such political associations if they were to become permanent. But if a college graduate is to exert any influence at all for good among the people, especially when as a young man he can exert his influence only or chiefly through personal contact, he must convince those whose votes he wishes to control and use for good purposes that he does not hold himself above them; that he is a real democrat and recognizes that he has only one vote, as they each have but one vote, and that he has no right to exercise influence over them except as his opportunities for information and his knowledge of public affairs justify him in speaking on such subjects. He must stand on an exact equality with men of less education and less advantages and must familiarize himself with the exact conditions that prevail in local municipal and broader politics. In many respects the college graduate has as much to learn from the workingman and the business man who have not enjoyed a college education as they have to learn from him. It cannot but broaden his sympathies and make him understand his country and its needs with more certainty if he associates in po-

litical and other ways with those who make up the large body of our American citizens. He will cease by such association to assume the attitude of a dilettante closet critic, and will understand the motives and the emotions and the real feelings of the great mass of the American people. As I have already suggested, there is a tendency on the part of those having a college education, of the class known as "the scholar in politics," to ignore the element of sentiment, of patriotic emotion, and to assume that everything ought to be and will be ultimately determined by nicely reasoned processes like those which are often postulated in the class-room of the professor of economics and political economy. Now, without in the slightest minimizing the importance of straight thinking in accordance with the great principles of political economy and sociology, it seems to me wise to emphasize the necessity for college men who wish to be useful in political life to go into the humblest political movements and find out the views, the prejudices it may be, and the real needs of their less fortunate fellow-citizens.

The tendency of recent years toward reorgan-

ization and the economic use of means and instrumentalities to secure efficiency, shown in the production of material things, has manifested itself in politics also, and has led to much more effective political machines, in municipal politics particularly, than ever existed before. There are in the governments of many municipalities striking examples of the use of official patronage to establish and maintain a machine from which it is impossible for the voters of the party to wrest its power, and which for a time seems to be able by the thoroughness of its organization even to defy the people at the polls. Every once in a while the people rise and defeat the machine ticket and then pat themselves upon the back and retire again, while the machine in a short time resumes its power. It is idle to hope that the people may be roused at every political contest and defeat machine slates unless there are counter organizations made up of younger men actuated by the disinterested patriotic desire to select only good candidates for office. Such young men, and among them certainly ought to be all university graduates, should maintain an organization the year round, so that they may keep in touch with

the continually changing local situation and call upon members for action when action is necessary. Eternal vigilance is the price of good government. The professional machine politician is always at work, and he can be defeated and discouraged only by an organization which can be called together like the Minute Men, and may know how and when to strike for good government. Politics ought to be neither distasteful nor degrading, and men who enter them for the purpose of keeping them pure and making them better are engaged in the highest duty. We must meet the conditions as they exist. In this country, where nearly every adult male has a vote and suffrage is exercised by all sorts and conditions of men, suitable and proper means must be used, adapted to reach the better nature of the electors and rouse them to their duty to secure good government by the exercise of their suffrages at the primary and at the polls. Organization by good men is one of the suitable and proper means for achieving this purpose. When the people know that agencies exist through which they can secure good government, they will be much more certain to take an interest and support such agencies. I

would not, of course, exclude men of any age from the burden of carrying on this work of organization, but young men must naturally be more active in it.

It will be entirely natural, especially for those who are well-to-do and do not need to earn a livelihood, to become candidates for public office, and the more that such men offer themselves for office the better for good government. Of course, in the ideal condition of things the office should seek the man; but we do not have an ideal condition of things, and we never will have. Politics are practical, and while it may often occur that in an organization of good men, for the purpose of lifting politics out of the slough, a man may be drafted for office against his will, it is exceptional. There is no real objection to a good man's seeking office when he feels himself competent to discharge its duties, has a high ideal as to how they ought to be discharged, and a commendable ambition to serve his country. Certainly, men less qualified and with less high ideals will seek it, and why should the public lose the benefit of a personal motive on his part to gratify his desire to be of use?

But I have talked longer than I ought. I close by urging upon the men of Yale their duty, immediately upon leaving college, to take a deep interest in local politics, to learn what they are, to study the actual conditions that prevail with respect to the electorate, and to affiliate themselves with local political movements in order that they may find for themselves opportunities for usefulness. If the country is not to avail itself of the intelligence, patriotism, and disinterestedness of its educated men, and especially of those who can devote a large part of their time to public matters, it will lose the benefit of the progress that we hope we are making by extended higher education.

II

THE DUTIES OF CITIZENSHIP VIEWED FROM THE STANDPOINT OF A JUDGE ON THE BENCH

Mr. President, and Gentlemen of Yale:

The subject for this evening is the second on the list—The Duties of Citizenship from the Standpoint of a Judge on the Bench.

I went on the State bench when I was twenty-nine years old, and served three years; subsequently, at thirty-two, I went upon the Federal bench, where I served for nine years. As I look back, I am sure that my knowledge of law when I went on the bench was very limited. I commend to those who have an opportunity a term on the bench as one of the best law schools I know. It is true that in this way one gets his legal education at the expense of the public, and tries his "'prentice hand" on the litigants as victims; but after a time, if he is at all apt and anxious and earnest, the public makes a good judge of him. If he can be kept on the bench after that, he

sometimes makes a better judge than an older man, with much more experience at the bar; for there are men, and not a few, who succeed admirably at the bar as counsel and advocates, but who, when elevated to the position of a judge, cannot drop the habits of a lifetime or forget that they are advocates. Still, I do not urge the appointment of young men to judicial positions, and do not favor a system by which judges are given their judicial learning after they are called to the bench.

The first duty of a citizen which is impressed on the mind of the judge of first instance, who has to try the usual class of cases, is his duty to sit on the jury, and to spend the time necessary, when properly drawn, to make up the tribunal which the common law and the Constitution make necessary for the determination of issues of fact in common-law civil cases and criminal cases. Service on the jury is, of course, just as much a part of one's public duty as the obligation to pay taxes under the law, or the obligation to respond to the call of the Government to act in the posse of the sheriff, or to testify as a witness when duly summoned, or to shoulder a gun when drafted

into the military service in an emergency. The success of a jury system is utterly impossible among a people who are not, on the average, intelligent and above undue influences. Hence a jury system must tend to failure if the intelligent and honest men of the community regard the service as such a burden that they evade it by excuses, and leave for selection only the unintelligent and those subject to venal motives.

On a pure question of fact, controverted by witnesses on both sides and presented to the jury with full argument and the comment of the court, a jury of intelligent, conscientious men is a most satisfactory tribunal. Taken from different walks of life, containing within the panel men of experience in many directions, united they make up a tribunal of men of force, who are quite as well able as the judge to make their inferences from the evidence as it has been drawn out by examination and cross-examination, and reach a conclusion of fact, not necessarily unerring, but of very considerable accuracy and certainty. But I beg to impress upon you the fact which seems frequently to have been lost sight of, especially in legislation with respect to the procedure of State courts, that the

tribunal contemplated by the common law was not the jury alone, but it was the court and jury, and that the ultimate decisions rested not on the verdict of the jury only, but on the verdict as approved by the judge holding the court. The method of reaching a conclusion at common law was after the hearing of the evidence and argument of counsel, and after a charge by the court; in which the court did not hesitate to assist the jury in commenting on the evidence, even to the point of intimating an opinion as to the proper conclusion to be drawn from the evidence. Thus constituted, the jury and the court do make an admirable tribunal, if the intelligence of the jury is equal to the average intelligence of the community at large. There has been a dangerous tendency in the legislation in the Southern and Western States in regard to the control which the judge in the court may exercise over the jury. His instructions to the jury are frequently limited to a written charge, made before the argument of counsel on the facts, in which he is not permitted to comment in any way on the facts or to assist the jury, except by laying down abstract and hypothetical questions of law. In other words,

the legislation has tended to eliminate the judge as far as possible from the influence he was wont to exercise in the decision of the tribunal as it was when the Constitution made it an essential part of our judicial system. With this change from the old common-law use of a jury, much greater power is vested in the panel than ever before, and in many instances the power is abused, because the jury takes it into its head that it is not only a tribunal to arrive at a decision upon a sharp issue of facts presented by the evidence, but that it is, in a sense, a legislator to reach natural justice without much regard to the law; and in suits against corporations, and in many instances in spite of the absence of legal liability by the corporation, it will act as an almoner of its charity, and mulct it in a large sum to meet an alleged liability, which in fact and in law does not exist. Under such circumstances the obligation of the good citizen to discharge his duty as a juror is even of higher importance than when the power of the jury was more subject to the control of the experienced judge who presided over the trial of which it is a part. The truth is that the law is not so carefully followed, and property

rights and other rights are not so well safeguarded, and criminals are not punished with the same certainty as formerly in communities in which the jury has had the reins thrown on its back, and practically been given a discretionary power in its decisions that was wholly wanting under the common-law system.

The common-law system is preserved in its purity in the Federal courts. There the judge still maintains the power which he had at common law, and which he exercises in English courts to-day, not of controlling or directing the verdict, but of aiding and instructing the jury in respect to the decision which it should reach, in commenting on the evidence, and in taking much more complete control of the trial than a judge in a Western State is now permitted to exercise. And what is the result? It is seen that everybody in the South and West who is anxious to have a law enforced, and is anxious to have the guilty punished under it, devises ways and means by which the offence can be denounced under a Federal statute and brought for trial into the Federal courts. There it is known that if a man is guilty he probably will be convicted. There it is under-

stood that the wiles of the criminal lawyer, his dramatic resources, and the obstructing policy of delays can ordinarily not prevent the law from overtaking the offender. Of course this distinction between State and Federal courts in the general estimation does not obtain in the older and more conservative States of the East, where there is usually less departure from the common-law system of trial than in the newer and more radical jurisdictions. The jury system ought never to be abolished in an Anglo-Saxon country in criminal cases or, indeed, in sharp and simple issues of fact in civil cases, though there are many complicated issues of fact involved in accounts and other matters (as, for instance, the question of invention in a patent) with respect to which a jury trial is not at all useful. The great advantage of a jury trial in a popular government is that it gives the public confidence that in criminal cases which involve the liberty or life of a citizen and the public, he can be assured that there will intervene in the consideration of his cause twelve impartial and indifferent persons, selected by lot, as a tribunal to decide upon his guilt; and that danger from prejudice against the accused whom the Govern-

ment is prosecuting, which might be suspected in a judiciary appointed by the Executive of the Government, will be eliminated. The jury system popularizes the court, and gives the people to understand that they have not only an interest, but also a part in the administration of justice.

A jury system requires a panel of individuals who are able to assume a judicial attitude on the issue between two litigants, and to banish from their minds all influence of prejudice of any character with respect to the parties or the subject matter. This judicial quality, this sense of fair play, has been developed in the Anglo-Saxon mind, more than in any other race perhaps, by long training in jury trials. Among the Latin people the power of suppressing one's prejudices and one's preconceived notions in sitting as judges to determine an issue of fact, even under the sanction of an oath, seems not natural, and is hard to develop. This quality is, of course, better developed, other things being equal, in a man of education than in one who has not enjoyed that advantage; and this suggests another reason why the obligation on the educated man is greater than it is in the case of his less fortunate fellow-citizens.

One of the great reasons why jury duty is evaded by good men is because of the delay, and unnecessary delay, that arises in the disposition of causes in jury trials in our courts. In trying to understand what the common-law trial was, we may well look to the English method of disposing of cases. Under that system the lawyers are so well trained and the judge so skilled in pushing the trial that cases which take in this country three and four weeks are disposed of there in a day or a day and a half. Lawyers are not there permitted to introduce myriads of witnesses on the same point and to be guilty of great prolixity in their examinations or in their discussions before the jury. The main and substantial points are dwelt upon, both in the evidence of witnesses and in the argument of counsel, and the counsel are not permitted to divert the attention of the jury to irrelevant circumstances and to absurd theories. The judge retains control and pushes the trial, both because it usually results in a juster judgment and also because neither the time of the court nor the time of the jury ought to be taken up with the histrionic exhibitions of counsel for either side, or with the dragging, tedious,

and often irrelevant and unnecessary cross-examinations of supposedly important witnesses. A juryman sitting in a panel and listening to such drawn-out controversy, which as a business man he thinks ought to be settled in the course of a day or a day and a half, will, the next time he is called upon, naturally seek to avoid a duty which is not a pleasure, but a mere bore by reason of the prolixity of the hearing.

A most important principle in the success of a judicial system and procedure is that the administration of justice should seem to the public and the litigants to be impartial and righteous, as well as that it should actually be so. Continued lack of public confidence in the courts will sap their foundations. A careful and conscientious judge will, therefore, strive to avoid every appearance from which the always suspicious litigants may suspect an undue leaning toward the other side. He will give patient hearing to counsel for each party, and however clear the case may be to him when stated, he will not betray his conclusion until he has heard in full from the party whose position cannot be supported. More than this, it not infrequently happens, however clear his mind in the outset,

that argument, if he has not a pride of first opinion that is unjudicial, may lead him to change his view.

This same principle is one that should lead judges not to accept courtesies like railroad passes from persons or companies frequently litigants in their courts. It is not that such courtesies would really influence them to decide a case in favor of such litigants when justice required a different result; but the possible evil is that if the defeated litigant learns of the extension of such courtesy to the judge or the court by his opponent he cannot be convinced that his cause was heard by an indifferent tribunal, and it weakens the authority and the general standing of the court.

I knew of one judge who indignantly declared that of course he accepted passes, because he would not admit, by declining them, that such a little consideration or favor would influence his decision. But in the view I have given above a different ground for declining them can be found than the suggestion that such a courtesy would really influence his judgment in a case in which the railroad company giving the courtesy was a party.

Another duty of citizenship which impresses itself on the mind of the judge is that of maintaining the supremacy of the law. Ours is a government by law; not by rule of thumb, but by rules of conduct which have equal application to all. Any exception to the equal operations of the law upon individuals is necessarily most injurious to the future operation of that law for the public good, because one exemption from its operation is certain to lead to others. The public detriment arising from violations of law, followed by immunity from prosecution or punishment, can hardly be overstated. It is, of course, the duty of the legislator in the enactment of laws to consider the ease or difficulty with which, by reason of popular feeling or popular prejudice, laws after being enacted can be enforced. Nothing is more foolish, nothing more utterly at variance with sound public policy than to enact a law which, by reason of the conditions surrounding the community in which it is declared to be law, is incapable of enforcement. Such an instance is sometimes presented by sumptuary laws, by which the sale of intoxicating liquors is prohibited under penalty in localities where the

public sentiment of the immediate community does not and will not sustain the enforcement of the law. In such cases the legislation is usually the result of agitation by people in the country who are determined to make their fellow-citizens in the city better. The enactment of the law comes through the country representatives, who form a majority of the legislature; but the enforcement of the law is among the people who are generally opposed to its enactment, and under such circumstances the law is a dead letter. This result is the great argument in favor of so-called local option, which is really an instrumentality for determining whether a law can be enforced before it is made operative. In cases where the sale of liquor cannot be prohibited in fact, it is far better to regulate and diminish the evil than to attempt to stamp it out. By the enactment of a drastic law and the failure to enforce it there is injected into the public mind the idea that laws are to be observed or violated according to the will of those affected. I need not say how altogether pernicious such a loose theory is. General Grant said that the way to secure the repeal of a bad law was to enforce it. But when the part of the

community which enacts the law is not the part affected by its enforcement, this is not a practicable method. The constant violation or neglect of any law leads to a demoralized view of all laws, and the choice of the laws to be enforced then becomes as uncertain as the guess of a political executive in respect to public opinion is likely to make it. Such a policy constantly enlarges in the community the class of men with whom the sacredness of law does not exist.

Last June, in this very hall, I delivered an address on the administration of the criminal law, and attempted to point out its present inadequacy and to explain the reasons why there was such a discouraging failure to bring violators of the law to justice by reason of the defects of our criminal procedure.

I observe in the public prints a report that a distinguished graduate of this university, in his well-founded indignation at the present maladministration or non-administration of the criminal law in this country, is represented as justifying, or at least as palliating, lynch law. I confess this seems to me to be a most dangerous doctrine. It is doubtless true that the instances of lynch law

have been prompted and greatly increased by the defects and failures to punish malefactors under the lawful procedure in courts. But it is far better that violators of the law go free than that we should introduce such a barbarous and altogether demoralizing and uncontrollable practice; first, because it too often results in the punishment of innocent persons, and, second, because it makes chaos of our government by law. Nothing can be more detrimental to the public interest than for any part of the people to take the law into their own hands. Assembled in a mob, they soon lose their conscience; the spirit of the mob, different from that of any individual, enters the crowd; and the desire for vengeance prompts it to acts of violence and of the most fiendish cruelty.

The only way to remedy the evil in which lynch law is supposed to find a justification is by strengthening the hands of the court by repealing the absurd laws that give to every defendant too much chance to escape just punishment and make it as difficult as possible for the State to secure a conviction. It should be provided, as has been recommended a number of times, that no error in the record of a criminal case carried to the Court

of Appeals should lead to the reversal of the judgment, unless it affirmatively appears that but for the error a different verdict would have been reached. In the United States courts and in the courts of England for many years there never was an appeal allowed in a criminal case. In the trials in the Federal court and in England there is little opportunity for playing a game, pursued by counsel for the defence in all courts where the judge retains but little control of the trial. He is not permitted to befuddle the jury and defeat a verdict of conviction by a dramatic diversion of the minds of the jury from the real points at issue; nor is he permitted, after an adverse verdict, to reverse the judgment of the trial court by fine and technical points which it was impossible, in the hurry of the trial, for the court below to consider or properly to decide. The emotional and untrue doctrine that it is better that ninety-nine guilty men should escape than that one innocent man should be punished has done much to make our criminal trials a farce. This has come about through popular demand, without a full understanding on the part of the legislatures and the people as to its logical effect. And now that

the result has come, we find a popular tumult on the other side in favor of lynch law because the present criminal procedure is inadequate to punish men who should be punished.

It is possible that a remedy for this evil may be worked out through a development of the present accumulation of wealth and the abuses which have followed the concentration of much wealth in comparatively few hands and corporations. The arrogance that this has produced on the part of some successful men has led them to a willingness to evade and escape the laws of the country in their pursuit of wealth. In what I had to say last night in regard to the right of property and the benefit to the world from the accumulation of capital, I hope I will not be thought to be blind to the abuses that grow out of the possession of great wealth by unscrupulous men. Such men are quite apt to think that laws are not made for the purpose of restraining them; that they are, in a sense, above the law; that they can, by the employment of able and acute counsel, who shall advise just what the law is and just how its effects can be evaded, find some way to be exempt from its restrictions.

The Sherman anti-trust law was a law enacted for the purpose of preventing agreements in restraint of interstate trade and preventing monopoly of trade. It was directed to the restraint of the so-called trusts—associations of men who, by use of various instrumentalities, constituted a system of unfair and oppressive trade, and induced and finally compelled the public to deal with them rather than with their helpless competitors. The definition of the offences described in the statute, and the proof of the circumstances tending to make out the offence, are both difficult; and in meeting prosecutions against wealthy corporations and their managers under this law, as well as under the law with reference to interstate commerce forbidding discriminations and secret rebates in favor of certain shippers, the protection which has long been afforded to the ordinary criminal, and the leniency with which the law treats an accused, have inured greatly to the benefit of these wealthy and powerful violators of the law. With the immense fund at their disposal for the purpose of defence they are able to secure the most acute counsel and make every possible point that the looseness of the present criminal

procedure affords. When this occurred in the prosecution of the ordinary criminal the public seemed incapable of being roused to the necessity for a change. But now that the defects in the procedure and administration of the criminal law are becoming apparent in the case of the arrogant and wealthy violators of the law who seem to defy the public, we may hope that a full examination will be made into the reason why it is that, if a man has money enough to employ counsel, it is so difficult to bring him to justice under the system now in force.

May the day be speeded in the reform of our administration of the criminal law! If the escape of the ordinary criminal leads to lynch law, what may we expect from the escape of the wealthy malefactor in these days of unrest, when the complaints against accumulated wealth and its abuses are so many, if the administration of the criminal law fails as to them?

I do not for a moment sympathize in the view that everything is corruption and that all the picture should be dark and black. I think that we have had during our last ten years a decade of prosperity never before known in the history

of the country; and in the immense sums which have been made for the benefit of all of us in the prosperity that we all have enjoyed, there are some who have taken a larger and an ill-gotten share, and who are attempting to maintain and increase this share by methods that should be reprobated and punished. It is impossible that such abuses should not have occurred in prosperity so unprecedented. But the abuses furnish but little reason for condemnation of the system unless it can be first shown that the prosperity has not been general, and unless it can be further shown that the abuses of the concentration of much wealth in a few hands are a greater detriment than the general prosperity is an advantage.

Just at present we have been passing through a siege of attacks upon our social and political system by gentlemen whom President Roosevelt has properly denominated "the men with the muck-rake." Either in order that they may sell their articles, or in order that for political purposes they may stir a spirit of unrest, they exaggerate the abuses thought to exist in political and business life, and give a distorted and therefore a false view of actual conditions. They

attribute corrupt motives without proof; and by dwelling only on instances of evil they destroy, or they seek to destroy, the sense of proportion of their hearers and readers in a general condemnation of society at large. There never was a time in the history of the world when there was more virtue, more charity, more sense of brotherly affection, than there is to-day. Could anything be more inspiring than the bounteous outgiving of money, provisions, and labor for the benefit of our fellow-men which was evoked by the disaster in California? The truth is that the denunciations of these muck-rakers have reached such a point that a reaction has set in, and they find that their wares are not as salable as they were. They have overdone the picture. Their eyes have become so dulled that they have not realized that everything they say now is discounted by the public, as born not of a desire to present a just picture but of a desire to be sensational at the expense of fact and the expense of justice. It is true that there is corruption in many of our munipical corporations. It is true also that there are on foot substantial and most encouraging movements to stamp out the evils

that we find in municipal government. It is not true that there is great corruption in the national Government. Nearly every one who has been at all familiar with the national capital for the last twenty-five years will admit that there has been a very decided improvement in the disinterestedness of legislators and the freedom from venality and corruption in Congress and the executive departments. But let us concede that there have been abuses, as undoubtedly there have been, both in the violations of law by great corporations, railway and others, and in the evasion of the anti-monopoly and trust laws. What is the remedy? Is it not in taking measures to secure the maintenance and supremacy of the law? Is it not in looking to those instrumentalities by which such violations can be properly suppressed and punished? And that is what so emphasizes the importance of an improvement in our judicial procedure in this respect. Any suggestion that there is any other remedy possible for preventing the violation of law and these abuses than in the training and character of the individual on the one hand, and in the strengthening of the arm of the law by judicial procedure on the other, is vicious.

It may be that the enormous accumulation of money in the hands of individuals has reached such a point that it would be wiser to discourage its continuance in the next generation by heavy inheritance tax or other methods. Neither at the common law nor under the Constitution is the right of descent of property or of devising it an inalienable right. It depends wholly upon the legislature; and, therefore, if the legislature sees fit to give a tendency to the division of fortunes, and prevent their greater accumulation in the second and third generations, there are ample means under our present system, and without revolutionary methods, to bring this about.

But the point which I wish most to emphasize at present is the duty of every one to discountenance at every point the suggestion that the people at large are to take the law into their own hands, and accomplish something by violent and radical illegal action against the evils of present society. This would be to substitute chaos for a government of law. Law must be enforced through the lawful executive and through the lawfully constituted courts.

I fear that we must admit that there is not so

strongly developed among our people the reverence for law and the demand for its enforcement as there is among our Anglo-Saxon brethren across the sea. Personal liberty and the rights of property are rather more protected under the English system than under ours. Newspaper libel is much rarer in England than here, for Englishmen seem to regard it as their duty to carry such a case into court, and the newspaper is usually mulcted if any license is taken with their reputations. In this country the abuse of the privileges of the press, in holding up to unjust criticism and sensational condemnation many respectable members of the community, has reached such a point that the injured pass it over, accept it as a burden they must bear, and decline to go into court. The delays that the courts permit in working out the rights of a litigant, and the length of time and the worry that are taken up in litigation, all tend to frighten the man out of court who has a just cause, and to make him feel that it is better to abandon his cause than to subject himself to the nervous strain and the bitter disappointment of trying to secure a prompt hearing and decision.

The remedy for these defects is both legislative

and executive. The defects exist less in the Federal courts, as I have explained, than in the State courts; and that is sufficient to indicate that the nearer our State courts approximate to the Federal courts in procedure and in the power of the judge, the more certainty is there of an improvement in the judicial administration in this country. The courts are the background of our civilization. The Supreme Court of the United States is the whole background of the Government. It is the body to determine whether Congress is acting within its constitutional limitations; to determine whether the Executive has exceeded his legal authority. It is the last resort and the final tribunal. Its power rests not upon its marshals or its constables, not upon an army under its control or a navy whose battleships it may summon; but its power and precedent rest upon the supremacy of the fundamental law which it is its duty to declare and to preserve, and which it is the duty of every citizen to maintain at all hazards. It is possible for the intelligent members of the community to bring to bear their influence upon legislatures to reduce, by a few well-drawn amendments to the existing procedure, the chances of

escape of criminals through the technical meshes of the law. It is possible for intelligent members of the community to exert, at all times and everywhere, an influence against the frequently advanced proposition that lynch law is justifiable. It is possible to create among the good men of the community a public sentiment, expressing itself through the ballot-box and in other ways, in favor of the supremacy of the law and in favor of the punishment of wrong-doers. The exercise of such an influence is one of the highest duties of citizenship.

III

THE DUTIES OF CITIZENSHIP VIEWED FROM THE STANDPOINT OF COLONIAL ADMINISTRATION

MR. PRESIDENT, AND GENTLEMEN OF YALE:

MY subject to-night is, "The Duties of Citizenship from the Standpoint of Colonial Administration." I shall treat this subject by reference to the Philippine Islands, with which I am familiar, which form the most important dependency we have, and present the most difficult problems for solution.

The first Americans to land in the Philippines were the army and navy, together with those venturesome business spirits that thrive best in times of trouble and excitement, when the opportunities for making money quickly are good. The experiences of our army and navy with Aguinaldo's forces, the contempt which the Filipino army manifested toward the American troops before the beginning of hostilities between them, and the sub-

sequent guerrilla warfare, all tended to create a bitterness of feeling on the part of our soldiers toward their Filipino opponents that could not but be shared by the Americans who were on the islands at that time. It was natural that every defect and every weakness of the Filipino character should be dilated upon by the American soldiers and by those who accompanied them. The exigencies presented by the guerrilla warfare required an increase in the American forces, until in July, 1900, there were upward of 65,000 American soldiers on the islands, and they were stationed at 500 different posts. Their presence in the islands created so large a demand for American supplies of food and drink and other things, that the few American merchants, the only ones familiar with the needs and demands of the American soldiers, found themselves with a business on their hands that they could hardly take care of. Their profits were large. They had no need, therefore, to look for other trade or patronage. The necessity for cultivating the good-will of the Filipinos for business purposes was wholly absent, and the fact that their profitable patrons were deeply imbued with hostility and

contempt toward the native population put the American merchants in the same frame of mind. It was natural that the American newspapers, whose editorial staffs were composed of men recently in the battlefield, whose subscribers were chiefly the soldiers, and whose advertisers were the American merchants, should in their attitude toward the Filipinos reflect the opinions of their readers and patrons. The American soldier knew little of the Spanish language, and still less of the dialects of the country—the Tagalog, the Visayan, and the Ilocano. His opportunity for communication with the native was exceedingly restricted. He said what he meant and meant what he said. His manners were those of the Anglo-Saxon, abrupt and blunt. The Filipino, on the other hand, with a timidity born of years of subordination under the Spanish régime, with the Oriental tendency to speak that which his auditor wishes to hear, and with the courtesy which is innate in the race and has been increased by the Spanish influence, used expressions which, interpreted by Anglo-Saxon standards, were false and deceitful, but which, interpreted by men who understood the race, were nothing more than

courteous commonplace. And so it was that the American enlisted man, together with many American officers and merchants, looked upon every effort to cultivate the good-will of the natives as love's labor lost; and, if pursued by the Government, as likely to result in weakness and to invite treachery.

The progress of the army in subduing the insurrection and establishing civil government enabled us in two years to reduce the American soldiers on the islands from 65,000 to about 15,000. The Americans on the islands, outside of the army and the civil servants, have not increased much in number since 1900. The demand for American goods and supplies from merchants on the islands has therefore been much reduced with the withdrawal of the army. The opportunity for large profit on the part of the American merchants, so long content with American trade only, has passed. The only possible source of real business and real trade which our merchants living on the islands can now have is with the Filipino people. The promotion of their material and intellectual welfare will necessarily develop wants on their part for things which in times of poverty they regard

as luxuries, but which as they grow more educated and wealthier become necessities.

The cultivation of the good-will of the Filipinos, who thus may be made good customers, is the one course which can create any market among the people on the islands for American goods and American supplies; and, if this be true, a policy which embitters and renders a whole people hostile to the American merchants must necessarily defeat all hopes of increasing the American business. A merchant who sneers at his customer, who calls him names, who turns his back upon him, is not likely to keep him long as a customer. It hardly needs a business man to see this; a layman may predict it with the utmost confidence. Under these conditions in the Philippines it is not strange that right under the noses of the American merchants Spanish merchants, English merchants, German merchants, and Swiss merchants do business with the Filipinos. They are engaged in selling goods to the Filipino peoples and in exporting their agricultural products from the islands. The American merchants, feeling the pinch of a loss of business, have been disposed to charge it to the policy of the Government in declaring in favor of

the policy of "the Philippines for the Filipinos." They have been looking for a scapegoat for their lack of success in business, and they have selected the Government and its policy as the chief object of criticism.

This condition of affairs has been held up by anti-imperialists as evidence of the utter unfitness of the American to attempt colonial administration. With the engendering of this spirit, it is urged that we cannot hope to create the belief among the Filipinos that we are attempting to do them good, and that we ought to give up the experiment. But while such temporary manifestations are not encouraging, it is full of consolation to read in the lives of Lord Macaulay and Lord John Lawrence and Lord Canning of the very great bitterness with which all their policies for the amelioration of the native Indian were attacked by the Englishmen who had settled in Calcutta; who in their supreme self-satisfaction regarded the interest of their class, numbering not more than 4,000 or 5,000, as of much greater importance than the interest of the 300,000,000 East Indians.

I am not, however, discouraged by this first attitude of the American merchants in Manila and

elsewhere on the islands toward the Filipinos, because a change to a more sensible view is already at hand. There is now the strongest motive for the American merchant to seek the good-will of the Filipinos, in order to secure their business. It is colossal egotism on the part of the American who goes to the Philippines to suppose that the Government of those islands must have its policy affected solely by his interests. The United States is attempting a solution of a most complex and difficult problem. It has been forced into the position of becoming a guardian of the archipelago for the benefit of seven or eight millions of people. It has felt it necessary in the discharge of this trust to take charge of the islands and create a government and maintain it. Its only possible justification for this course, according to its own traditions and the principles upon which its own structure rests, is that the people of the islands are not now fit for self-government; that it owes a duty to them of maintaining a government until the time when they as a people, by actual sharing in the government and by education, shall become completely fitted to run their own political affairs. In other words, the chief characteristic of the trust

which we involuntarily assumed is that we must conduct affairs in the Philippines with a view solely to the interest of the Filipinos.

This is as far as possible from saying that Americans may not go to the islands, may not engage in industry of any kind, may not be induced by hope of good profits to invest as much capital as possible in enterprises tending to develop their resources. Such a course is in the interest of the islands, and should be encouraged by the Filipinos themselves; and if the American on the islands will only see his own real interest, he will unite with the Government in an attempt to conciliate the Filipinos as far as possible. It of course interferes with the success of the Government in convincing the Filipinos that the United States is really not moved by selfish motives, but anxious to promote the interest of the Filipino in every way, to have the resident representatives of that country occupy a position of hostility and contempt toward the natives. I should say, therefore, that the first duty of the American citizen who goes to the Philippine Islands and lives there is to make himself as well acquainted with the Filipinos as he can; to cultivate their good-will; to have them

understand that the interests of the Filipinos are paramount in determining the policy of the United States toward the islands.

The next class of citizens whose duties we may consider are the Filipinos themselves. By the fundamental act of the Philippine Islands they are made citizens of the Philippines. This is to distinguish them from citizens of the United States, who are entitled to certain constitutional privileges for the exercise of which the Filipino is not ready. With reference to his treatment by every foreign government, the Filipino occupies exactly the same position and is entitled to exactly the same protection from our Government as an American.

What is the duty of the Filipino citizen of the Philippine Islands toward the insular Government? He owes allegiance to the Government, and is subject to the duties that citizens ordinarily owe to the government that gives them protection and looks after their governmental needs. It may be admitted that there are many Filipinos who would be very glad to have the rule of the American Government end, and a period of absolute independence ensue. The people of the islands

have no disposition to come under Japanese rule, as has sometimes been suggested. The truth is, the unfounded report that the United States expected to sell the islands to Japan aroused such indignation as to show that the people much preferred the United States to Japan as a guardian. The poor and ignorant among the Filipinos, who number in all about ninety per cent, are not particularly interested as to what kind of a government they have, provided they be let alone. They are easily influenced by the educated of their own race and easily aroused to follow the teachings of any Filipino of influence and standing. But taken as a class, if some one does not seek to excite them they are quiet, peaceable, law-abiding, and not interested in politics or government.

In the other ten per cent, however, there are to be found educated persons who deem themselves entirely fitted to carry on a government and to rule the ninety per cent which I have described. What ought a citizen of the Philippine Islands, with these views, to do in respect to the Government? Legally, of course, there is no doubt that he ought to support the Government, or at least not attempt to overthrow it; but in the interest of his people,

and released from the obligations that the law imposes upon him, how ought he to act? Is it necessarily patriotism for him to plan to arouse his people to an insurrection and destroy or make as difficult as possible the government of the islands by the United States, or is it his duty to uphold the hands of the representatives of the United States in doing the work which they are sent there to do, to wit, that of guiding the islands to peace and prosperity? Of course it is difficult for an Occidental to put himself in the place of the Oriental, but I have had a good deal of opportunity to study the Filipino people and to understand in a dim but still somewhat comprehensive way the characteristics of the race. I do not hesitate to say that the strong man among them believes that the worst thing that could happen to his country would be to have the United States abandon it; that it is far better to go on as proposed by us, under the sovereignty of the United States, with a gradual extension of the electorate to the people who show themselves qualified, and of the governing power to the electorate. It cannot be hoped that a purely Filipino government by the educated ten per cent would pursue

a policy to lift the other ninety per cent into the ruling class and share with them the political power which the educated ten per cent expect to wield. Indeed, that is exactly what many of the educated ten per cent wish to avoid. They are in favor of an oligarchy.

In an examination of the committee of the so-called Independence party, conducted by the Senators and Congressmen who took the Philippine trip last summer, the leaders did not hesitate to say that in their judgment the Philippine people were quite ready for self-government, because the ninety per cent were an obedient serving class, while the ten per cent were a directing or governing class, in every way competent to act as such, and thus were able to carry on an excellent government. I need hardly say that such a government would not meet the views that we have as to what a government ought to be. The ninety per cent would not be educated or trained to become self-governing citizens, but would remain in the status which they now occupy. It is absolutely true that most of those who advocate independence, most of those whose voices we hear echoed in Boston and elsewhere

in the demand for freedom for the Philippines, are persons who have not the slightest idea of maintaining in the islands a popular government.

But it is said the oligarchical government is the only kind of government for which the people of the islands can ever be adapted. Even supposing this to be a plausible view, it is likewise true that we could not depend on any stability in such a government. The difficulty is that the governing class fall out so easily among themselves that were we to permit the ten per cent to take charge of the Government, we should find that there was no cohesion in the governing class; that it would divide up into factions; and that almost before the Americans had left the islands there would be internecine warfare and chaos that would require the Americans to return. This is the reason why the conservative members of the community are satisfied with the fact that the American Government has control over the islands, for they realize that no other government in the world could be as generous and as disinterested in its management of the archipelago. Under such circumstances it seems to me to be the duty of a lover of his race—a citizen of the Philippine Islands—

to hold up the hands of the Americans engaged in attempting to prepare all the people for the exercise of gradually increasing political control.

The truth is that even the ten per cent of the Filipinos who long for an oligarchy are in many respects wholly unfitted to assume the great responsibilities of government. They have had very little experience; their views are expressed in abstract principles. One witness of this class, whom I summoned early in the days of our stay on the islands, I asked to assist us in the matter of the tax laws and to say from what particular class and out of what particular property taxes ought to be raised. He said he had never given any consideration to that subject, because he considered it a mere detail. Another body of men of the Independence party, some of whom appeared before the Congressmen, had at an earlier day come to see me to secure permission to organize a party for the obtaining of independence by peaceable means. I attempted to dissuade them from the task at that time because there were still guerrillas and robbers in the field. I was afraid that in the organization of such a party a great many physical-force men

would become incorporated as members, and that ultimately these very good gentlemen who made the proposition to me might be brought under suspicion of the Department of Justice. They said to me that they desired to present an argument in favor of their plan of independence. They said, in writing, that they were fit for self-government because they had counted over the number of offices—central, provincial, and municipal—and had found that while the number was great, they were able to select from the people of the islands enough educated men to fill every office twice; in other words, that if one shift failed for any reasons to meet the requirements of office, then there was another shift that could take their places; and with these two shifts they regarded it as entirely practicable to carry on any sort of a complicated government. The force of a sound, safe public opinion they regarded as of slight importance.

The men who are in favor of independence are not the practical Filipinos. Ordinarily, men of property, men of business, men who by the virtues of providence and self-restraint and foresight have succeeded in laying up fortunes, are

convinced, as I have said, that it would be the worst blow possible to the islands to have the Americans leave them now. But the uncertainty in this country as to what course the Government intends to pursue—the impression in the islands that the opposition party intends, when it gets into control of this Government, to let the islands go—has the effect of making every native in the islands, who would otherwise speak out in favor of a continuance of the present arrangement, anxious lest a change may occur, and fearful of taking such a position that he may suffer when independence is granted.

Finally I come to the question, What is the duty toward the Philippine Islands of the American citizens making up the American electorate? I have heard it stated that our people are getting tired of the burden of governing those islands; that the business which has come from them has not been sufficient to justify the outlay that we have made; and that any method of ridding us of the responsibility for their government will be adopted by the people. I differ from this view. I think the American people know that they did not seek the burden of carry-

ing on the government of the Philippine Islands, but that circumstances were such that they could not escape it, and that their honor as a people requires that they discharge the duties that it involves. We are a great and a prosperous nation. Here are eight millions of people in the tropics, differing very much from our own, yet with a capacity for development that justifies our making the experiment of educating them—of leading them on in governmental practice to see if they cannot at length safely walk alone.

We have already done a great deal for the Filipinos. We have organized a good government there; we have given them partial representation in it, and we expect to give them a larger representation next year by the election of a popular assembly which shall be one branch of the governing legislature; we have been educating and are now educating in the English language a half million of the youth of the islands; we have introduced health laws and enforced them; we have suppressed ladronism, which was the bane of the islands in Spanish days; we have eliminated the question of the friars' lands. Owing to causes beyond our control, we have not been

able to bring about a period of great prosperity there; and of course in hard times it is difficult to convince the people that the Government is not in some way responsible for this. But we have given the islands a good sound gold-standard currency; we have given them extended telegraph and mail communications; and we are just now about to begin, with Government encouragement, the construction of some seven or eight hundred miles of railway.

It is the duty of the citizen to look at this experiment from the right standpoint; to understand that we are not in the Philippines for the purpose of making trade, but that we are there to discharge the highest duty that one nation can toward another people. It is very probable that the trade between the Philippines and the United States will increase to such proportions as to make that particular trade useful to both countries. But we cannot base our conduct or action on such a motive. What we do in the Philippines must rest on our national duty—a duty which is the greater because of our prosperity and ability to discharge it.

This policy has been sustained in two national

elections, and the question therefore arises, What is the duty of the other citizens of the United States who have heretofore held aloof from such a policy and denounced it? Ought they not now to hold up the hands of the Government and assist in every way to make the experiment which, against their will and against their express vote, the Government entered upon? Why should the anti-imperialists, so called, now attempt to make what we do in the Philippines a failure? Is it not a small policy and an unpatriotic one? In the beginning the attitude of the anti-imperialists and their extreme statements and their apparent rejoicing at American defeats undoubtedly continued the war of the insurrection a number of months and probably a year beyond what it would have been had the insurgents thought the whole people was behind the Government.

It is frequently said that Congress cannot give the time necessary for governing the Philippines; that it cannot consider their many needs; and therefore that our government is not one adapted to governing dependencies. I differ from this view; and certainly the conduct of Congress toward the Philippines does not justify the criti-

cism. A number of important acts have been passed which have conferred power to govern the islands on the Philippine Commission, subject only to supervision by the Secretary of War. Congress has been generally wise to put the power where it ought to be—in Manila.

The truth is, considering the many obstructions which we have had to overcome in building up the Philippine Government and the Philippine people, considering the dreadful agricultural depression in the islands and the consequent financial depression, the present condition of the islands is remarkable. One cannot hope to be successful in government unless there comes every little while a period of prosperity. We have not had such a period since we have been in the islands. One must feed a man's belly before he develops his mind or gives him political rights. The pendulum must swing in favor of the islands and prosperity of some kind must come. It will be greatly aided if free trade between the United States and the islands should be established. Whether this will happen in the present Congress, I do not know. That it will come ultimately, I am confident. That it ought to come

at once, I am sure. When it does come, the people of the islands will realize how much America has done for them. Until that time we must expect to be blamed for everything in the shape of ill that comes to the islands and we must expect to encounter complaints and criticism from the Filipinos. But their attitude ought not in the slightest degree to affect ours or to take from us the sense of obligation that we should put them on their feet.

The great principle to guide us is that we are to govern the Philippine Islands in accordance with the maxim "the Philippines for the Filipinos." If in the course of a decade or a quarter of a century an examination of all the legislation of Congress shall reveal, as I hope it may, that this was the motive which governed substantially every act passed by that body, then it will form a great exception in the history of the control of dependent possessions by great nations. No one has more admiration than I have for the thorough and effective method of government pursued by England with respect to her colonies, both those which are quasi-independent and those which are crown colonies absolutely under the control of an

appointed government. But generally it will be found that in those governments England has pursued a policy of enlightened selfishness; has, so far as she could, recouped herself for any expenditures by the home Government; and has held them primarily with a view to the improvement of English trade. Her opium policy with respect to Oriental colonies has not been controlled by the highest and purest motives; and a large part of the income which has done so much to improve their material conditions, to build roads and construct public works, can be traced directly to this source. The spread of the use of opium among her Oriental subjects is quite discouraging, and a change in that part of her policy ought to made. I do not mean to say that England has not generally looked well after the material comfort and growth and prosperity of her subjects in tropical colonies, or that her governments have not always made for better civilization, justice, and security of life and property. She has established and conducted excellent governments, maintained fine order, built magnificent roads, and in every way made her countries fair to look upon. I think it can hardly be said,

however, that she has given great time to the improvement of the individual among her tropical peoples. She has not devoted as much money or as much time as she should have devoted to the education of her subjects and their preparation to take part in governmental matters. In this respect her policy is exactly the opposite of that which we have pursued in the Philippines; and it is supported by the argument, drawn from the experiences of men long accustomed to deal with tropical races, that it is much wiser to keep them in ignorance, to keep them subject to control, than to give them by education ideas of taking part in the government, which will merely foment discussion and agitation which do not work for the good of the whole number.

The most altruistic experiment which England has attempted in the management of tropical races is what she has done in Egypt, under Lord Cromer; and there she has worked wonders for the people of Egypt. She has improved marvellously the prosperity of the fellaheen by public works; she has encouraged agriculture; she has introduced schools and made some attempt at the education of the Egyptians. The admiration of people who

have visited Egypt for Lord Cromer's policy and methods is certainly no greater than has been justly deserved; but in the Philippines the principle of our policy is far more advanced than that of Lord Cromer's or of England's anywhere. It may be that it is too far advanced; it may be that it is an experiment that is doomed to failure; but at any rate it is an experiment that it is wise for us to make. We can afford to make it; and if it be a failure, we can afford to accept the responsibility for the failure. That experiment is the preparation, by education and by the gradual extension of practice in governmental matters, of a tropical people who heretofore have not had any practical experience in saying how they shall themselves be governed. In beginning this experiment and carrying it on, it must be understood that there are certain things very much in our favor, and that there are others which constitute very serious obstacles to our success.

In the first place, we have a people, a tropical people, to deal with, who as a people are the only Christians in the Orient. That is, there are seven millions out of eight millions who are Christians, and have been Christians under the influ-

ence of Spain and the Roman Catholic Church for upward of 250 years. This fact turns them naturally to Europe and to America for their ideals of virtue and of thought, and for their aims and ambitions. This makes them far more subject to Western influence than the Mohammedans or the Buddhists, both of whom regard the Christian religion with contempt and are to that extent proof against the civilizing ideas of modern Europe and America.

Secondly, though the people are in a state of Christian pupilage, of almost total ignorance, they have an ambition, that it is easy to cultivate, to take advantage of education. Nothing is more inspiring, nothing gives more hope of the success of what we are doing, than the interest which the poor Filipinos, the "taos" as they are called, manifest in having their children receive an education in English. We have not now funds enabling us to educate more than twenty-five per cent of the youth of school age in the islands; but I am hoping that prosperity will increase the funds available for education, and that Congress, out of the abundance of this country, will be willing to contribute as much as the Philippine Gov-

ernment itself contributes, thus doubling the educational facilities. The great needs are primary education and industrial education. Industrial education is of greater importance there than in this country, because it has a tendency to correct a feeling which was left by the civilization of Spain, and which is the greatest obstacle that has to be overcome—the idea that labor is degrading and an evidence of slavery. Industrial education dignifies labor.

The parts of the earth which have been retarded, the places where there is the greatest field for progressive work, both material, intellectual, and moral, are in the tropical countries. The discoveries of medical science, the knowledge of conditions that promote health, have improved to such a point that it is much more practicable now for people of the temperate zone to live an extended period in the tropics without injury to health than it was a decade or two decades ago. The land of the temperate zones is rapidly being absorbed. Profit lies in the improvement of the tropical countries; agriculture, mines, and other sources of revenue are there; and it is inevitable that in the next century the great progress of

the world is to be made among tropical peoples and in tropical countries. Therefore what we are doing in the Philippines is merely a precursor of what will be done in other lands near the equator; and if we demonstrate that it is possible for people purely tropical to be educated and lifted above the temptations to idleness and savagery and cruelty and torpor that have thus far retarded the races born under the equatorial sun, we shall be pointing another important way to improve the civilization of the world.

Hence it is that the value of the work we are doing in the Philippines rises far above the mere question of what the total of our exports and imports may be for this year or for next year or hereafter, or whether they are at present a burden. The Philippine question is, Can the dominion of a great and prosperous civilized nation in the temperate zone exercise a healthful and positively beneficial influence upon the growth and development of a tropical people? What we have to do is in a sense to change their nature; it is to furnish, by developing their physical and intellectual wants, a motive for doing work which does not exist under their present conditions. That this

can be done I have no doubt, from what has already been done in the islands. But it is a question of time and patience. The tropical peoples cannot lift themselves as the Anglo-Saxons and other peoples of the cold and temperate zones, where the inclemency and rigors of the climate demand effort and require labor, have lifted themselves. The struggle that these tropical peoples must go through in reaching better things is far more difficult; and its outcome must depend, in my judgment, on the outside aid of friendly and guiding nations. The principle which our anti-imperialists seek to apply, that people must acquire knowledge of self-government by independence, is not applicable to a tropical people. We cannot set them going in a decade and look to their future progress as certain. We must have them for a generation or two generations, or perhaps even three, in order that our experiment with reference to education, primary and industrial, shall have its effect, and that our guiding hand, in teaching them commonsense views of government, shall give them the needed direction. It is supposed that if the Democratic party comes into power it will give up the islands and turn them over to the control

of the people who inhabit them. I venture to predict—although prediction is dangerous—that the Democratic party, should it come into power, would not assume this responsibility, but would proceed on practically the same lines as have been followed hitherto. Such a result would be desirable, because then it would be shown that both political parties were in favor of the policy which has been instituted, and that the people of our country would unite in a great and successful effort for the benefit of humanity.

IV

THE DUTIES OF CITIZENSHIP VIEWED FROM THE STANDPOINT OF THE NATIONAL EXECUTIVE

MR. PRESIDENT, AND GENTLEMEN OF YALE:

The subject of my remarks this evening is, "The Duties of Citizenship from the Standpoint of the National Executive."

The administration—the President and his cabinet officers and others who are part of it—naturally thinks that the first duty of a citizen with reference to the national Executive is to hold up its hands and support all of its policies, and be properly tender and gentle in dealing with its defects, suspected or proven. It is easy for the administration to fall into the view that criticisms of its policy and misrepresentations with respect to what it has done, or has not done, seriously affect the work of the Government and interfere with doing it well. When a man has great executive responsibility, and finds that his

plans are more or less interfered with by what he regards as the extravagances and injustices of the press, there is an unconscious disposition on his part to believe that a restriction of the license of the press would be a very excellent thing, and that it would prevent the driving away from his moral support of the sympathy and assistance of the public, which are essential to the ultimate success of the plans that he has made for the public good. These demands for restriction of the press are likely to be more unreasonable and extreme in such a place as the Philippines or Porto Rico, where misrepresentations and criticisms are of vastly more importance, because in those places the views of the native population of particular matters affect the success of governmental measures more directly than they can in this country. We are anxious, of course, to impress the Filipinos with our disinterestedness and desire for their good. The American press of Manila has frequently been bitter in its denunciation of the entire Philippine people, and has stirred up among them a feeling that we are hypocrites, and that there is no real friendliness on our part toward them. Yet every effort to secure by legal proceed-

ings a restraint of the license of the press, or the extravagances and misrepresentations of an irresponsible editor or newspaper proprietor in Manila, is a great deal worse than the evil from which the complaint arises; because it dignifies the issue at once into that of freedom of the press, and makes the man who is prosecuted or in any way brought into court a martyr for the cause of free speech. It is vastly better, if the Executive only realizes the truth, that the injustice, comment, and unjust criticism, and the deliberate misrepresentations that sometimes do characterize articles in the newspapers, should be left to lose their effect by the gradual discovery of the actual facts, and of the injustice of the criticism, in the events which follow. This duty of citizenship not to criticise public servants unjustly and not to misrepresent the character of their commissions and omissions is of course an important one; a violation of it is frequently a serious hindrance to the accomplishment of valuable results from a patriotic and governmental standpoint; but while headlines seem outrageous, and while articles seem to be fraught with great and vicious results, because they are untruthful

and exaggerated and sensational, the evil neutralizes itself. Our people are intelligent and keen. They are able after experience to gauge the importance to be attached and the confidence to be accorded to statements so extreme that they bear between their lines the refutation of what they express. The press is essential to our civilization and plays an unofficial but vital rôle in the affairs of government. The discipline of a fear of publicity, the restraining and correcting influence of the prospect of fearless criticism, are of much value in securing a proper administration of public affairs. The exercise of power without danger of criticism produces an irresponsibility in a public officer which, even if his motives are pure, tends to negligence in some cases and arbitrary action in others.

Speaking from a Washington standpoint, the standard of newspaper correspondents at the national capital, representing all the great dailies and all the press associations, is on the whole a high one; higher, I think, than that of any other newspaper men, as a class, that I know. Such men, when they have established the right to have it, as most of them have, share the confidence of

Senators, of the leading members of Congress, of the Cabinet, and even of the President himself; and they are most careful to observe the lines which are laid down in these confidences, restraining the extent of their publication. The amount of information that the Washington correspondents have which they do not give to the public would surprise most men not familiar with affairs in the nation's capital. The truth is that the partisan character of despatches that are seen in some newspapers is determined rather by instructions from headquarters that by any disposition of the correspondents themselves to give a colored account of the facts.

Another topic that perhaps deserves consideration here, in discussing the duty of the citizen toward the national administration, is the suppression of personal feelings in questions of foreign policy. How far, when this nation is dealing with other nations, either in making treaties, or in matters likely to lead to a war, or in actual war, ought a citizen, disregarding all party considerations, to stand by his own government and hold up its hands in achieving a successful result? It would be going very far to say that no matter how unjust

a war there ought to be no criticism by American people of the conduct of the administration in such a crisis. In a free government the right and duty to criticise that which is plainly wrong obtain and ought to obtain, no matter how critical the situation with respect to an international controversy. But I submit that the natural attitude of the partisan toward the administration, at times when the country's welfare in war or in approaching war is at stake, should be laid aside; that the presumption should be indulged that our country is right in its contentions and that its opponent is wrong, unless the attitude of our country is so indefensible that it is impossible to avoid condemnation of those who are responsible for it. Nothing so interferes with the success of a nation in carrying out international matters as a fire in the rear by part of its own people. Everything that is said of that character is at once repeated in the newspapers and public prints of the opposing nation, and strengthens it in its unyielding attitude toward our contentions. I remember that in an article on this subject Secretary Olney deprecated the spirit of partisanship that was developed in many of the

newspapers and magazines of this country in international matters as compared with the conduct of opposition newspapers in such crises in England. Of a similar character is the position taken by some with respect to our attempt to set up and maintain a government for the benefit of the Filipinos in the Philippines. This I mentioned last night. If our policy there is to be unsuccessful—as I hope and believe it will not be—this result can be charged largely to the agitation, unreasonable, bitter, partisan, altogether unjust, of the so-called anti-imperialists; who seek not merely to criticise and bring to the public mind most unfair statements of the defects of our policy and its failure, but deliberately to embarrass us with the people of the Philippine Islands in everything that we attempt to do. There are instances in which the spirit of opposition to the policy of the Government was originally roused by entirely sincere and proper motives, but in which there has been developed a bitterness of feeling until all fair judgment has disappeared and there is substituted an intense desire that the arguments in opposition to the policy shall be vindicated by the proof of abuses

and by failure of the policy. This attitude, which I may call unjudicial and unpatriotic, interferes materially with our success in conciliating the Filipino people, because they are very responsive to any report and have no sense of proportion in judging of the credibility and weight to be given to such partisan statements. In this country any such attitude or course of conduct is unpopular, and is generally rebuked at the polls.

One of the chief reasons for the misjudging of the characters of rulers of nations is the failure of the critics, the historians, and the people themselves fully to appreciate the actual limitations and restrictions upon the exercise of a supposedly unlimited governing power. The most absolute monarch has limitations upon his freedom of action that are little understood except by those who are on the ground and close enough to him and his daily walks of life to understand how the circumstances hem in the exercise of his discretion, limit him in that which he would like to do, and prevent absolutely his carrying out the ideals which as a free man he would be glad to follow. The same thing is in a much greater degree true of the power of the Presi-

dent and of the members of the administration. Take for instance the appointing power. A member of a community remote from the capital, studying politics from the standpoint of entire indifference, with the critical faculty well developed, wonders that a president, with high ideals and professions of a desire to keep the government pure and have efficient public servants, can appoint to an important local office a man of mediocre talent and of no particular prominence or standing or character in the community. Of course the President cannot make himself aware of just what standing the official appointed has. He cannot visit the district; he cannot determine by personal examination the fitness of the appointee. He must depend upon the recommendations of others; and in matters of recommendations as indeed of obtaining office, frequently it is leg muscle and lack of modesty which win, rather than fitness and character. The President has assistance in making his selection, furnished by the Congressmen and the Senators from the locality in which the office is to be filled; and he is naturally quite dependent on such advice and recommendation. He is made the

more dependent on this because the Senate, by the Constitution, shares with him the appointing power. It is true that strictly and technically speaking he has the initiative and the Senate only the ratifying or confirming power; but practically, because of the knowledge of the Senators of the locality, the appointing power is in effect in their hands subject only to a veto by the President; and the Senators in turn are hampered, first, by the fact that many competent and prominent men will not accept the places, and again by the fact that under our political system there is much pressure on them to recognize the party services of men who are more active as politicians than they are successful as business men. On the whole, I think the character of the Federal employees the country over is excellent; but of course there are exceptions, and it is the exceptions upon which the criticism of an administration is based, and properly based, because the number of the exceptions determines the care with which all such appointments are made.

This naturally leads to the consideration of a limitation upon the policies which the President may favor or undertake. Under our system of

politics the President is the head of the party which elected him, and cannot escape responsibility either for his own executive work or for the legislative policy of his party in both Houses. He is, under the Constitution, himself a part of the legislature in so far as he is called upon to approve or disapprove acts of Congress. A president who took no interest in legislation, who sought to exercise no influence to formulate measures, who altogether ignored his responsibility as the head of the party for carrying out ante-election promises in the matter of new laws, would not be doing what is expected of him by the people. In the discharge of all his duties, executive or otherwise, he is bound to a certain extent to consult the wishes and even the prejudices of the members of his party in both Houses, in order that there shall be secured a unity of action by which necessary progress may be made and needed measures adopted. I need hardly point out, for I have already referred to it in my first lecture, the absolute necessity of parties in a popular government, and the fact that efficiency of government, other things being equal, is greatly promoted by party uniformity and solidarity of

opinion. In order to attain this unity of party action, in order to make any progress for the better, the administration is obliged to give up or hold in abeyance measures that it would, other things being equal, heartily approve; and, in a series of compromises, it is bound to sacrifice some of its aims in order to accomplish others more important. Now it by no means follows that this is on the whole not a useful condition in government. Popular government must be a series of compromises. The resultant mean is often better than the extreme which would be reached if an administration were able to carry out all its views. A conservative course is the result of the very limitation imposed on the projected policies of the administration by the necessity for conciliating the many different people and interests that constitute controlling factors in a party. It is doubtless true that under our government of the people things are not done that ought to be done; but on the other hand, if these restraining influences were absent, we might be led into extreme measures which would be disastrous in their results.

The policy of those responsible for the national

administration in any respect must be judged as a whole, after sufficient time has elapsed to measure properly what has been done. It is a very unsafe and unfair thing to judge a single act and its probable bearing on the rest of a policy of the administration; and fortunately the people understand this fact. In the end, the judgment of the people is probably as safe and fair as any judgment could be, for they take the administration of public affairs by and large; and while they do not always credit men with the highest and purest motives, and recognize that there is much human nature in man, they are not searching for reasons for distrusting the good faith and the desire for good government in their public servants.

One of the encouraging experiences of men who live in Washington and are close to the mainsprings of national policy, both in Congress and in the Executive, is to find how much less influential are private interests in the matter of legislation and executive action than is generally held by critics who are not familiar with the situation. The hard work that is done by men whose bugles are not blown, the effort that there is on the part of legislators and executive officials

to subserve the public interest, cannot be known except by intimacy with public affairs. I do not mean to deny that at times private and special interests do, in fact, exercise an influence to the extent of defeating needed legislation; but in the end, though it may take one or two or three Congresses, the sense of public duty and the clearness of vision that discussion and deliberation give ultimately bring about the kind of legislation which the people want, formulated by those whose interest in the public welfare is sincere.

Of course there is a kind of influence at Washington that disfigures legislation and retards executive action of general importance and interest; an influence exercised by those who prefer what they suppose to be the interest of a locality or district to the interest of the nation at large. The people of congressional districts and of States compete with each other through their representatives in Congress and in the Senate to shape national legislation for local advantage; to secure the investment of national funds in public works and the construction of military posts and other great governmental institutions in one part of the country instead of another. It is impossible that

these influences should not be exerted, and they do more or less affect the efficacy of measures adopted for a national purpose. But these are incidents inevitable in the character of the government that we have; they are inherent in our system; and with the great benefits that proceed from the popular basis of our government, we may well put up with some inconveniences and minor obstacles to the most efficient national administration.

One of the facts that is not often made prominent is that in our Government at Washington there is an entity distinct in many ways from the President and Cabinet officers charged with the responsibility of the executive policies, and distinct from Congress charged with the responsibility of the legislative policies. For one hundred and thirty years, since the beginning of the Constitution, we have been perfecting the administrative departments of the Government. Most of the positions in these departments now are filled by selection under the civil-service law or by promotions from positions thus filled. We have a complicated structure, which has grown with the needs of the Government; it is an enor-

mous machine, so officered and adjusted that it would run itself with great efficiency without a President and without a Cabinet and without Congress, except for the lack of the appropriation of the money necessary to pay the cost. It is an organization whose members have been trained by long experience, and now, under the civil-service law which prevents their being made the football of politics and secures to them a permanent tenure of office, are put in a position of impartiality and indifference to other considerations than those of the efficiency of governmental work. They are, it is true, affected more perhaps than they need be by the traditions as to how governmental work has been done from the beginning, but my experience with this machine in two departments is that generally this routine part of the life of the Government (and it makes up ninety-five hundredths of that life) is carried on by men who have an eye single to the interests of the Government and to the conduct of its affairs according to law and according to the public interests. The civil-service law has now been in operation more than a quarter of a century, and, although violated at first, it has come to be

more and more regarded as essential to the life of the Government; and it has finally made the organization to which I refer indifferent to party changes and unaffected by them, and has greatly increased the certainty of proper administration.

I do not mean by what I have said to minimize the importance of the position of the President or of the heads of the departments in the administration of public affairs. The heads have to determine in many instances important questions of broad policy; but the aggregate of these questions is quite small in proportion to those which arise every day and have to be decided by men who from long training are even better able to decide them than their superiors who control the administration. Of course the influence that the heads of an administration may have upon the whole civil service is very great, if the determination of the heads of the Government that the administration shall be pure and shall not be affected injuriously by partisan or other undue influence is well understood. It strengthens the body of permanent civil servants in their good work and secures from them a closer adherence to

the public interests and to the best traditions of the service.

This Government, as you know, is divided into three departments—the executive, the legislative, and the judicial. It is frequently charged that the tendency of the modern Executive is to usurp the functions of Congress by seeking to control and influence legislation in violation of the spirit of the Constitution. I have already pointed out the constitutional participation in legislation by communications to Congress and by the exercise of the veto power, with which the Executive is expressly vested; and I have also attempted to show what, under our system of politics, are the position and obligation of the President as head of the party through whose instrumentality he must accomplish any progress dependent on affirmative legislation. The party traditions not only justify but require him to take an active interest in it, and so to unify the members of his party as to secure that solidarity without which initiative for good is quite impracticable.

History does not bear out the charge that there is any usurpation by the Executive of legislative functions. On the contrary the tendency is ex-

actly the other way. Congress in its legislation has frequently failed to recognize a thing which the Constitution certainly intended, to wit: freedom of discretion in executive matters for the Chief Magistrate and his subordinates. I need not go back of the Tenure of Office Act, passed by Congress in the administration of President Johnson, by which it was attempted to limit materially the power of appointment that the President certainly has under the Constitution. The act was repealed after Mr. Johnson went out of office, and I think it is generally recognized now that it was an undue stretch of legislative power. I do not mean to deny that the line between proper legislative limitation upon the mode of exercise of executive power and unconstitutional restriction is sometimes very difficult to draw; but the danger that the Executive will ever exceed his authority is much less than the danger that the Legislature will exceed its jurisdiction. The Commons of England won freedom and brought about a popular government through its insistence upon holding the purse-strings; and the Congress of the United States has exactly that control over the Executive which enables it at all

times to restrain the exercise of executive power by withholding the appropriations absolutely necessary to the exercise of executive power at all. With that dependence upon Congress, the executive branch can never be untrammelled in the conduct of public affairs. It is always responsible to Congress to explain what it has done with the money already appropriated, and it must always make a showing of the money needed for executive work during the next ensuing year. In other words, the Executive is always a petitioner at the door of Congress for the money necessary to carry on public affairs; and as long as that relation exists the frequently expressed fear that the Executive is overshadowing the Legislature is merely imaginative—useful for glowing periods and party platforms, but for nothing else.

Life in Washington leads most men who are impartial and who take broad views of affairs to a condition of reasonable optimism as to the progress toward better things. The account that one receives of the defects of earlier administrations and the corruption that at times prevailed shows that we have made great improvement; and it is not unfair to say that there is a high standard

of morality and public conduct throughout all the departments and the executive and legislative branches of the Government. I do not mean to deny that there are individual instances of neglect of public duty and possibly of corrupt methods; but, on the whole, one who is familiar with the workings of the Government at Washington may well take heart and courage at the general level of good and honest legislation. Efficiency of administration has been greatly promoted by the widening of the application of the civil-service law; which has so reduced the calls upon the time of the heads of the departments and the President that they are able to give to matters of public interest a great deal of time which before the enactment of this law was taken up in discussing the merest details as to the selection of clerks.

There has been a question mooted whether it would not be wiser to allow Cabinet officers to take part in the debates of Congress, as do the English parliamentary executive leaders, who are really elected as legislators to begin with and are selected as executives afterward. I am inclined to think that it might aid much the deliberations of Congress if such a policy were adopted, but

there are inconveniences connected with it that perhaps will forever prevent a change of this character.

The disposition of the Legislature to investigate and criticise executive action is one of the most important influences toward a better government that exists in our system. Investigating committees of Congress are always at work; and the fear of such investigations, the fear of just criticisms on the floor of either House, has a most salutary and restraining effect upon the naturally wasteful and somewhat arbitrary disposition of human nature in the exercise of power. On the whole, when one looks into the system of government at Washington and regards it from the standpoint of an impartial, tolerant citizen and critic, taking into consideration all the limitations of structure and constitution which prevent any government from becoming a perfect machine, he cannot but reach the conclusion that we are a fortunate people, who have progressed far in the development of an efficient public service and in vindicating the theory of popular sovereignty.

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